



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,092	10/30/2006	Bernd Meyer	30882/DP037	4464
4743	7590	01/22/2009	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP			WU, RUTAO	
233 SOUTH WACKER DRIVE				
6300 SEARS TOWER			ART UNIT	PAPER NUMBER
CHICAGO, IL 60606-6357			3628	
			MAIL DATE	DELIVERY MODE
			01/22/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/573,092	MEYER ET AL.	
	Examiner	Art Unit	
	ROB WU	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 March 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/27/08, 9/21/06, 3/23/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 8-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub No. 2005/0102203 to Keong.

Referring to claim 1:

A method for producing a postal item, whereby order data for a postal item that is to be printed and/or sent is generated in order component, comprising the following steps:

receiving electronic order data; [0094]

breaking down the order data into address information of a recipient and a goods identification code; [0098]

preparing the address information in form that can be linked to the goods; [0098]

linking the goods to the address information, [0098] and

delivering the goods linked to the address information as a postal item. [0098]

Referring to claim 2:

the method according to claim 1,
comprising generating a postage indicium based on the address information of
the recipient. [0133]

Referring to claim 3:

The method according to claim 1, comprising storing the order data in a
transaction computer. [0098]

Referring to claim 4:

the method according to claim 3,
comprising the transaction computer performing an automatic comparisons
between the stock of goods and one or more pending orders. [0097]

Referring to claim 5:

The method according to claim 3, comprising a warehouse management control
unit transmitting the order data to a material flow control computer and the material flow
control computer controlling material flow in such a way that the goods and/or additional
goods are placed into picking container and/or directly into a transport container
provided for the shipment as a postal item. [0124]

Referring to claim 8:

The method according to claim 1, comprising generating a postage indicium for
the postal item in an automated process. [0092]

Referring to claim 9:

The method according to claim 8, comprising controlling the generation of the
postage indicium by a warehouse management control unit. [0092]

Referring to claim 10:

The method according to claim 8, comprising controlling the generation of the postage indicium by a computer of the recipient. [0092]

Referring to claim 11:

The method according to claim 8, comprising notifying the recipient of the execution of the franking. [0092]

Referring to claim 12:

A device for generating a postal item,
comprising, in combination:
a computer for receiving and storing address information and a goods identification code that identifies the goods; [0094]

a means for linking the goods to the address information, [0098] and
a postal service provider for delivering the goods linked to the address information as a postal item. [0098]

Referring to claim 13:

The device according to claim 12,
wherein the means to link the goods to the address information is a printer.
[0131]

Referring to claim 14:

The device according to claim 12,

wherein the means to link the goods to the address information is a transmitter that is designed in such a way that it can transmit the address information to a transponder that can be affixed to the goods. [0126]

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keong in view of U.S. Pub No. 2003/0144922 to Schrantz.

Referring to claims 6 and 7:

Keong does not expressly disclose comprising the transaction computer controlling an automated auction procedure and the transaction computer transmits the address information of the customer who placed the highest bid in the auction procedure to a computer of a seller who is offering the goods for sale at auction.

Schrantz disclose transmitting the winning bidder's address to the seller of an auction. [0003]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Keong to include the auction process as disclosed by Schrantz since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did

Art Unit: 3628

separately, and one ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

5. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROB WU whose telephone number is (571)272-3136.

The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. W./
Examiner, Art Unit 3628

/John W Hayes/
Supervisory Patent Examiner, Art Unit 3628